

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

JOHN N. MURPHY,

PLAINTIFF,

vs.

Civil Action No. 3:15-cv-92-TCB

MILLARD C. FARMER, JR.

DEFENDANT.

BRIEF IN SUPPORT OF MOTION TO ALTER OR AMEND

In the instant case, one of the original defendants, Alfred King, Jr., paid \$100,000 to settle the case. Vol. III T-67.¹ Defendant is entitled to an offset of this amount from the final verdict. All State Ins. Co. v. Palterovich, 653 F. Supp. 2d 1306, 1333-1334 (S.D. Fla. 2009). See Liquid Air Corp. v. Rogers, 834 F. 2d 1297, 1310 (7th Cir. 1987); Morley v. Cohen, 888 F. 2d 1006, 1014 (4th Cir. 1989); State of N.Y. v. Hendrickson Bros. Inc., 840 F. 2d 1065, 1086 (2d Cir. 1988); Sciambra v. Graham News Co., 841 F. 2d 651, 657 (5th Cir. 1988); William Ingles & Sons Baking Co. v. Continental Baking Co., 981 F. 2d 1023, 1024 (9th Cir. 1992)..

¹ The Court Reporter is typing the transcript as this is written and has not yet typed Vol. II. It is possible that the page number for this record citation will change. Defendant, however, attaches the page of testimony referred to with this motion.

Respectfully submitted,

/s/ Ralph Goldberg
Ralph Goldberg
Georgia Bar No. 299475
Attorney for Defendant

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CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel of record for the opposing party in the foregoing matter with a copy of the foregoing by depositing in the United States Mail copies of the same in properly addressed envelopes with adequate postage thereon or by notification of electronic filing to:

Wilmer Parker
Malloy Jenkins Parker
75 Fourteenth Street, 25th Floor
Atlanta, Georgia 30309

Deborah L. Beacham
3025 Bluffton Way
Roswell, Ga. 30075

This 21st day of February, 2018.

/s/ Ralph Goldberg
Ralph Goldberg
Georgia Bar No. 299475
Attorney for Defendant

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1 means? And if so, tell me how much was provided and tell me
2 what happened as a result of that money being provided to
3 them.

4 A. On my behalf there has been money paid in the Coweta case
5 and in this case. Are you asking about both cases?

6 Q. Yes, I am, and the amount.

7 A. In the Coweta case I paid \$1,250 in December of 2014 to
8 settle the sanctions that the Court of Appeals levied against
9 me for the appeal. I paid the thousand dollars for the
10 contempt. I was originally a Defendant in this case. I
11 turned the defense of this case over to my malpractice
12 carrier, and they at least owed me the duty to provide me a
13 defense in this case, that is to give me a lawyer in this
14 case. The budget for my lawyer was over \$200,000 to come in
15 and participate in this case, and my carrier settled with
16 Mr. Murphy for \$99,990 to let me out of the case. And \$10
17 was paid to Ms. Haugerud to obtain my release from her claim
18 of attorney fees for the third-party complaint. And those
19 are the only monies that I paid directly to John Murphy.

20 Q. And were those obtained from, as a result of the action
21 by Mr. Parker, against you or your insurance carrier?

22 A. The \$1,250 and the thousand dollars were not the result
23 of Mr. Parker's action. The 99,990 and the \$10 were the
24 result of Mr. Parker's action.

25 Q. Did you make a determination as to whether I had